

Remarks:

Reconsideration of the application is requested.

Claims 1-9 and 11-20 remain in the application. Claims 1-6, 11, 15, 17, and 18 have been amended. A marked-up version of the claims is attached hereto on separate pages. Claim 10 and 21 have been cancelled.

In the second paragraph on page 2 of the above-identified Office action, claims 1-21 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that with respect to claim 1 and the rest of the claims, the recitation "rake-like" renders the claim indefinite because it is unclear what kind of configuration the applicant tries to set forth since there are many types of "rake-like" structures. Claims 1-4, 11, and 15-18 have been amended so as to overcome the rejection. However, it is noted for the record that the term "rake-like" is not indefinite. The fact that there are many types of rake-like structures renders the claim broad, not indefinite.

The Examiner further stated that with respect to claims 2, 17, 18, and 19, it is unclear what constitutes the "oblique"

position, since the particular oblique position has not yet been defined. The "oblique" position disclosed in claim 2, is actually "oblique positions", which is clearly defined as positions different from the "horizontal position" and the "vertical position". Therefore, it is believed that the "oblique positions are clear and definite. Again, the term may be broad, but not indefinite and the Examiner may search the prior art for the feature.

The Examiner stated that in claim 6 there is no antecedent basis for "said oblique position". Claim 6 has been amended so as to overcome the rejection. Claim 6 is now dependent on claim 2.

Also, the Examiner stated that claims 10 and 21 appear to be misdescriptive and/or inaccurate because there is no support for the prongs and the angled ends forming a "u-shaped" configuration. Claims 10 and 21 have been cancelled.

The Examiner further stated that claim 11 doubly recites the same limitations as claim 1 and contains the same indefiniteness as aforementioned in claim 1. Furthermore the Examiner stated that claim 15 is indefinite for the same reasons as claim 1. Claims 11 and 15 have been amended so as to overcome the rejection.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for the purpose of satisfying the requirements of 35 U.S.C. § 112. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In the third paragraph on page 3 of the Office action, claims 1-21 have been rejected as being fully anticipated by Remmller (U.S. Patent No. 5,649,630) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found in Figs 1-4.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1, 11, and 15 call for, inter alia:

"prongs as integral dish rack components".

The Remmler reference discloses dish racks (20 and 22) with a removable dish holder (40). The dish holder (40) is made up of a plurality of upwardly extending portions (62).

Clearly, the reference does not show prongs as integral dish rack components, as recited in claims 1, 11, and 15 of the instant application. The Remmler reference discloses a removable dish holder (40), which can be inserted from front to back or longitudinally in the upper dish rack (20) or the lower dish rack (22) (column 3, lines 13-22). This is contrary to the invention of the instant application, in which the prongs are integral dish rack components. Clearly, the reference does not show prongs as integral dish rack components, as recited in claims 1, 11, and 15 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest prongs as integral dish rack components, as recited in claims 1, 11, and 15 of the instant application. Claims 1, 11, and 15 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1, 11, and 15, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-9 and 11-21 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$400 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

For Applicant(s)

AKD:cgm

March 11, 2002

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

Marked-up version of the claims:

Claim 1 (amended). A dish rack for accommodating dishes, comprising:

a dish rack base having a [rake-like] comb-shaped retaining configuration with prongs as integral dish rack components;

at least part of said [rake-like] comb-shaped retaining configuration pivotable between different pivot positions; and

some of said prongs having angled ends directed toward said dish-rack base.

Claim 2 (amended). The dish rack according to claim 1, wherein said [rake-like] comb-shaped retaining configuration is pivotable into a horizontal position, a vertical position, and oblique positions different from said horizontal position and said vertical position.

Claim 3 (amended). The dish rack according to claim 2, wherein said angled ends form a set-down surface for hollow dishes when said [rake-like] comb-shaped retaining configuration is pivoted into at least one of said oblique positions.

Claim 15. A dish rack for accommodating dishes, comprising:

a rack structure having at least one [rake-like] comb-shaped retainer;

said at least one [rake-like] comb-shaped retainer having a base wire and prongs as integral dish rack components attached to and extending from said base wire for securing dishware;

said prongs having a free end at a distance from said base wire and an end adjacent said base wire;

said at least one [rake-like] comb-shaped retainer pivotable between different pivot positions; and

some of said prongs having an angled end at said end adjacent said base wire.

Claim 17 (amended). The dish rack according to claim 16, wherein said at least one [rake-like] comb-shaped retainer is pivotable into a horizontal position, a vertical position, and oblique positions different from said horizontal position and said vertical position.

Claim 18 (amended). The dish rack according to claim 17,
wherein said angled end forms a set-down surface for hollow
dishes when said [rake-like] comb-shaped retainer is pivoted
into at least one of said oblique positions.